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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,637	05/18/2000	John J. Johnson IV	30603UT1002	8108
5179	7590	06/03/2005	EXAMINER	
PEACOCK MYERS AND ADAMS P C			HWU, DAVIS D	
P O BOX 26927			ART UNIT	
ALBUQUERQUE, NM 871256927			PAPER NUMBER	

3752

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/574,637

Applicant(s)

JOHNSON, JOHN J.

Examiner

Davis D. Hwu

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 41-45, 48-55, 57-71, 73-88 and 90-113 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 60-71, 73-88, 90-92, 111 and 112 is/are allowed.
- 6) ☒ Claim(s) 41, 43-45, 50-54, 57-59, 93, 95-98, 101-105, 107-110 and 113 is/are rejected.
- 7) ☒ Claim(s) 42, 48, 49, 55, 94, 99, 100 and 106 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Applicant's RCE of May 3, 2005 is acknowledged and entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

### ***Claim Rejections - 35 USC § 103***

3. Claims 41, 43, 50, 52, 57-59, 93, 95, 98, 101, 103, 107-110, and 113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (Des. 139,635) in view of Rickel et al. (Des. 211,569).

Walker discloses a vehicle comprising a triangular wheel base comprising two front wheels spaced closely together and two opposing rear wheels, a vehicle engine, and a path clearing wedge shaped nose, the nose comprising two sides angled in a wedge towards each other at a point at a front of the nose, the two sides being lateral sides of the vehicle. Rickel et al. teach a vehicle comprising a triangular wheel base including a single front wheel and two opposing rear wheels. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the vehicle of Walker by replacing the two front wheels with a single front wheel as taught by Rickel et al. since Rickel et al. teach that such arrangements are known in the vehicle art. Also, the vehicle of Walker would still function properly with such a modification since the front wheels are already very close together. The vehicle of Walker and Rickel et al. is fully capable of being a fire fighting emergency response vehicle which carries at least one emergency response fluid delivery tank, since such

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vehicles often carry portable fire extinguishers, and the dimensions as recited are typical dimensions for such vehicles.

4. Claims 44 and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Rickel et al. as applied to claims 41 and 93 above, and further in view of Bolton et al.

Bolton et al. teach providing fire resistant windows to vehicles for fire protection. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Walker and Rickel et al. by providing a fire resistant window as taught by Bolton et al. for fire protection.

5. Claims 45 and 97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Rickel et al. as applied to claims 41 and 93 above, and further in view of Atkins.

Atkins teaches a vehicle having a chain and sprocket steering system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated into the vehicle of Walker and Rickel et al. a chain and sprocket steering system as taught by Atkins since Atkins teaches that such arrangements are known to one of ordinary skill in the art and the vehicle of Walker and Rickel et al. would function properly with such arrangements.

6. Claims 51 and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Rickel et al. as applied to claims 41 and 93 above, and further in view of Carrier.

Carrier teaches a fire fighting vehicle having a tank with fire-retarding chemicals which

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is capable of producing at least 34,000 liters of fire-suppressing foam. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the vehicle of Walker and Rickel et al. by providing enough chemicals in order to produce at least 34,000 liters of foam as taught by Carrier in order to provide adequate amounts of fire fighting foam.

7. Claims 53 and 104 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Rickel et al. as applied to claims 41 and 93 above, and further in view of Forsyth.

Forsyth teaches a fire fighting vehicle which is capable of being airlifted to a destination. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the vehicle of Walker and Rickel et al. by providing at least one attachment point for airlifting and airdropping the vehicle as taught by Forsyth in order to quickly place the vehicle at a particular location to fight fires.

8. Claims 54 and 105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Rickel et al. as applied to claims 41 and 93 above, and further in view of Willard, Jr.

Willard, Jr. teaches a run-flat tire which demonstrates improved vehicle performance under deflated conditions and yet achieves the same vehicle performance as a standard tire when inflated. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Walker and Rickel et al.

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by using runflat tires as taught by Willard, Jr. in order to provide improved vehicle performance under deflated conditions and achieve the same vehicle performance as a standard tire when inflated.

***Allowable Subject Matter***

9. Claims 42, 48, 49, 55, 94, 99, 100, and 106 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
10. Claims 60-71, 73-88, 90-92, 111, and 112 are allowed.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The design patents to Albertson et al. and Steel are pertinent to Applicant's invention.
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis D. Hwu whose telephone number is 571-272-4904. The examiner can normally be reached on 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 571-272-4919. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Davis Hwu

DAVIS HWU  
PRIMARY EXAMINER